

AMENDED IN SENATE MAY 6, 2003

AMENDED IN SENATE APRIL 8, 2003

SENATE BILL

No. 781

Introduced by Senator Margett

February 21, 2003

An act to amend Section ~~3001~~ 3042 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 781, as amended, Margett. Parole.

Existing law requires that at least 30 days before the Board of Prison Terms meets to review or consider the parole suitability or the setting of a parole date for any prisoner sentenced to a life sentence, the board send written notice to each of the following persons: the judge of the superior court before whom the prisoner was tried and convicted, the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, the law enforcement agency that investigated the case, and where the prisoner was convicted of the murder of a peace officer, the law enforcement agency which had employed that peace officer at the time of the murder. Existing law generally provides procedures for these hearings.

This bill would authorize any person listed above who is authorized to forward information to the ~~parole board~~ for consideration in a parole suitability hearing under this section, to forward that information ~~electronically~~ *either by facsimile or electronic mail*. The bill would, in addition, require the ~~board~~ *Department of Corrections* to establish procedures for receiving the information ~~electronically~~ *by facsimile or electronic mail*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3042 of the Penal Code is amended to
2 read:
- 3 3042. (a) At least 30 days before the Board of Prison Terms
4 meets to review or consider the parole suitability or the setting of
5 a parole date for any prisoner sentenced to a life sentence, the
6 board shall send written notice thereof to each of the following
7 persons: the judge of the superior court before whom the prisoner
8 was tried and convicted, the attorney who represented the
9 defendant at trial, the district attorney of the county in which the
10 offense was committed, the law enforcement agency that
11 investigated the case, and where the prisoner was convicted of the
12 murder of a peace officer, the law enforcement agency which had
13 employed that peace officer at the time of the murder.
- 14 (b) The Board of Prison Terms shall record all ~~such~~ those
15 hearings and transcribe recordings of those hearings within 30
16 days of any hearing. Those transcripts, including the transcripts of
17 all prior hearings, shall be filed and maintained in the office of the
18 Board of Prison Terms and shall be made available to the public
19 no later than 30 days from the date of the hearing. No prisoner shall
20 actually be released on parole prior to 60 days from the date of the
21 hearing.
- 22 (c) At any hearing, the presiding hearing officer shall state his
23 or her findings and supporting reasons on the record.
- 24 (d) Any statements, recommendations, or other materials
25 considered shall be incorporated into the transcript of the hearing,
26 unless the material is confidential in order to preserve institutional
27 security and the security of others who might be endangered by
28 disclosure.
- 29 (e) This section shall not apply to any hearing held to consider
30 advancing a prisoner's parole date due to his or her conduct since
31 his or her last hearing.
- 32 (f) (1) The written notice to the judge of the superior court
33 before whom the prisoner was tried and convicted shall be sent by
34 certified mail with return receipt requested.



(2) The judge receiving this written notice may forward to the parole board any unprivileged information from the trial or sentencing proceeding regarding the prisoner, witnesses, or victims, or other relevant persons, or any other information, that is pertinent to the question of whether the parole board should grant parole or under what conditions parole should be granted. The judge may also, in his or her discretion, include information given to him or her by victims, witnesses, or other persons that bear on the question of the prisoner's suitability for parole.

(3) The parole board shall review and consider all information received from the judge or any other person and shall consider adjusting the terms or conditions of parole to reflect the comments or concerns raised by this information, as appropriate.

(g) Nothing in this section shall be construed as limiting the type or content of information the judge or any other person may forward to the parole board for consideration under any other provision of law.

(h) Any person who receives notice under subdivision (a) who is authorized to forward information ~~to the parole board~~ for consideration in a parole suitability hearing under this section, may forward that information ~~electronically~~ *either by facsimile or electronic mail*. ~~The board~~ *Department of Corrections* shall establish procedures for receiving the information ~~electronically~~ *by facsimile or electronic mail* pursuant to this subdivision.

